

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:05CR138</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>GUSTAVO AMBRIZ-SALDANA,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the motion of defendant Gustavo Ambriz-Saldana (Ambriz-Saldana) (Filing No. 48). The motion does not comply with NECrimR 12.3 (b), in that the motion:

- ( ✓ ) Is not supported by a brief;
- ( ) Is not supported by an Index of Evidence as required by NECrimR 12.3(b)(2) or a statement of what evidence will be offered at an evidentiary hearing requested for the motion;
- ( ✓ ) Is not accompanied by a statement verifying that counsel for the moving party has conferred with opposing counsel in person or by telephone in a good-faith effort to resolve by agreement the issues raised by the motion and that the parties have been unable to reach such an agreement;
- ( ) Which requests an evidentiary hearing, does not contain a statement of the estimated time needed for the hearing, whether any interpreters will be needed, or whether any codefendant should be present and/or participate in the hearing.

Accordingly, the motion (Filing No. 48) is :

- ( ) Held in abeyance pending\_\_\_\_\_.
- ( ✓ ) Denied.

**IT IS SO ORDERED.**

**ADMONITION**

Pursuant to NECrimR 57.2 any appeal of this Order shall be filed with the Clerk of the Court within ten (10) days after being served with a copy of this Order. Failure to timely appeal may constitute a waiver of any objection to the Order. The brief in support of any appeal shall be filed at the time of filing such appeal. Failure to file a brief in support of any appeal may be deemed an abandonment of the appeal.

DATED this 22nd day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge